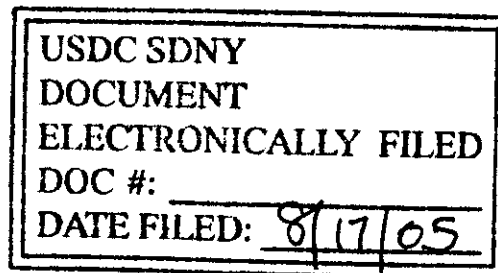


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August 11, 2005

VIA FACSIMILE

Honorable James C. Francis IV
United States Magistrate Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: *In re Rivastigmine Patent Litigation,*
Civil Action No. 1:05-md-1661 (HB)(JCF)

Dear Judge Francis:

We represent plaintiffs in the above-referenced consolidated patent infringement actions. We write to request leave to file a surreply letter brief with respect to one of defendants' two motions to compel submitted on July 21, namely the motion raising questions of attorney-client privilege and Swiss law. In that connection, we also respectfully request leave to submit a supplemental declaration on Swiss law, in support of the surreply.

As Your Honor knows, the two motions defendants have submitted relate to, respectively, the applicability of the : (1) community of interest doctrine to communications involving representatives of Yisum and plaintiffs; and (2) attorney client privilege to communications involving Swiss in-house attorneys, Swiss patent agents and European patent attorneys ("Swiss motion"). On August 5, defendants submitted reply letter briefs in support of both of their motions. Defendants' reply letter brief on their Swiss motion raises some points for the first time, which plaintiffs have not yet had the opportunity to address fully. For this reason, and because the Swiss motion raises important issues of international law, comity, and attorney-client privileges, plaintiffs

Honorable James C. Francis IV


August 11, 2005

Page 2

respectfully request leave to file a surreply brief with respect to the Swiss motion, and a supplemental declaration on Swiss law, in support thereof. Should the Court grant leave, plaintiffs request three business days from entry of the Order granting leave to make their submission. 11

Plaintiffs have asked defendants whether they would oppose plaintiffs' request for leave. Plaintiffs have not yet heard from defendants.

Respectfully submitted,


Diego Scambia
(DS 0296)

cc: Derek J. Sarafa, Esq. (via facsimile)
James Stronski, Esq. (via facsimile)
Maurice N. Ross, Esq. (via facsimile)

8/17/05
Application granted.
SO ORDERED.
James C. Francis IV
